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History of the Location of the

Bering River Coal Fields

By the Publicity League of Katalla

Katalla, Alaska

January 1, 1912

History of the location of the
BERING RIVER COAL FIELDS.

BY THE PUBLICITY LEAGUE OF KATALLA.

Endorsed by the

CHAMBER OF COMMERCE, OF KATALLA, ALASKA.

CHAMBER OF COMMERCE, OF CORDOVA, ALASKA.

The first attempt to locate coal in the Bering River coal fields was made in 1897, when prospectors looking for oil in this region were guided by the natives to the veins of coal outcropping upon the steep slopes of the mountains not more than twenty miles back from the coast.

At this time the general mining laws were in operation in Alaska but there was no law which permitted the location of coal land. Prior to 1900, when Congress first attempted coal legislation for Alaska, those who sought to locate coal lands, held the belief that title could be acquired under the general mining laws.

In June, 1900, Congress passed an act entitled "An act extending the coal land laws to the District of Alaska," but through a characteristic lack of knowledge concerning Alaska, Congress failed to recognize the fact that the system of public land surveys in conformity with which coal land must be located, had not been extended to Alaska.

In so far as permitting the initiation of any valid title to coal lands of course this law was ineffectual, but it had the effect of inducing the location of a large part of the Bering River coal fields by the rapidly increasing population which was being drawn to this region by the reported discovery of coal, oil and other minerals.

These miners and hardy pioneers located coal lands in good faith, trusting in the sincerity of the government in extending an invitation to them through this law to discover, locate and develop these lands, fully believing the discoverer of coal would be rewarded for his labors by receiving title from the government.

The discovery and exploitation of the Bering river coal was due in the first instance to the deceptive trick provided by the law of 1900, which led several hundred Alaskans to spend several years of hard labor and thousands of dollars in prospecting, exploring and developing the coal, only to find that the title which they thought the law guaranteed was simply the illusive song of a siren.

This was the uncertain position of those who had attempted

by the location of the coal lands between 1897 and 1904 to afford a necessary supply of cheap fuel, and incidentally supplement the supply of poor coal in the Pacific coast states with a better grade. In 1904 Congress again reached out into the realms of the unknown and attempted coal legislation for Alaska. The result was the act of April, 1904, an act wherein special coal legislation adapted to the peculiar conditions existing in this new territory was provided. This law is now being subjected to the test of judicial analysis by the United States courts, and a case involving the construction of the law is pending before the U. S. Supreme Court.

Without entering into any examination of this coal act from a legal standpoint it may be briefly stated that it has been reviewed by two judges of the federal district court, before whom it has come up for consideration from two widely different standpoints. In the one case, Judge Rudkin reads into the Alaska coal law the old coal law of 1873 which entirely changes the meaning and operation of the Alaska law and abrogates many of the features which were intended for adaption to the peculiar conditions existing in Alaska. In the other case, Judge Hanford holds that the Alaska law is an act complete in itself and is not subject to the restrictions or modifications of the old federal law. Viewed from the practical standpoint of the operation of the law, the difference between the two constructions given, the act itself is the difference between making the law effective to accomplish the purpose for which Congress intended it; that is, to enable the acquisition and development of the coal land—and the making of an ineffectual and useless law under which no coal land could be located, acquired or developed.

To add to the difficulty encountered by the Alaska coal claimants arising from the uncertain construction of the law by the courts, the land department of the government having in charge the disposition of the public lands is attempting to construe this law through its rules and regulations with such technical strictures against the coal claimants that out of 1000 or more coal claims located in Alaska not one can pass to patent. The long established policies of the land department and operation of the land laws in accomplishing the principal purpose for which the law is designed; that is, to enable the citizens to explore, locate and acquire and make productive public domain in the United States, has within recent years, and chiefly since the conservation movement became active, been reversed, and today the technical objections raised and the unwarranted rulings made by the land office department against the Alaska coal claimants indicates an intention to DEFEAT rather than PROMOTE the purpose of the coal land law.

The power of the land department over the rights of the entrymen, even when these rights are clearly defined by the law, is readily understood when the peculiar functions and activities of this department

are considered. In passing upon an application for patent the land department is the grand jury, for finding an indictment, the detective agency to secure the evidence, the counsel to prosecute, the jury to determine the facts and the judge to construe the law and pronounce the sentence. If you were on trial on a criminal charge before a court having all these powers incorporated within itself you would have no chance for acquittal no matter how innocent you were, nor how clear the law in your case might be, if the court thought best, for reasons of public policy, or other reasons, to find you guilty.

In November, 1906, by executive order, the president withdrew all coal lands from entry in Alaska, and in 1910 oil lands were similarly withdrawn. In 1909 the Chugach forest reserve was extended over the Bering river coal fields, where the timber areas are scattered and the timber of little value, its value as compared with coal being infinitesimal. Though the government has accepted the purchase price for its coal land and many claims are ready for patent, some claimants have waited over four years, not a patent application has been passed upon, with the exception of the Cunningham claims and the decision on these is still pending on appeal to the Secretary of the Interior. Under the land office ruling the coal claimant is required to open a commercial coal mine, upon his claim, and though this law requires the opening of a mine, he cannot market a ton of coal without subjecting himself to criminal prosecution.

The secretary of the interior and the president have announced themselves in favor of leasing the coal lands of Alaska. Is it any wonder that Alaskans think they are being denied their rights with the intention that their claims are to be cancelled pursuant to a pre-conceived design to foist upon Alaska a doubtful experiment—the leasing plan—the entering wedge to the complete overturning of our public land system.

This article will proceed upon the assumption that a large per cent of those who chance to read it are not familiar with many of the facts essential to the formation of a satisfactory opinion as to the extent to which “conservation” can be beneficially applied to the public coal lands of Alaska. Hence a brief recital of the facts will precede a statement of the conclusions deducible from these facts.

Statement of Facts.

Alaska's area is nearly 600,000 square miles. Not more than one fifth of this area has been geologically surveyed, and not much more than this area has been visited by pioneers, prospectors and others seeking information as to the natural resources.

For uncounted ages—long ago—all of Alaska was dominated by a tropical climate, supporting a flora and fauna of colossal magnitude. During this torrid period the phenomenal coal measures in Alaska were laid down.

Alfred H Brooks, government geologist in his valuable and reliable report for 1909 makes a minimum estimate of at least 12,667 square miles of coal lands in this one-fifth of Alaska. It may be fairly assumed as a fact that the unsurveyed four-fifths contain coal in somewhat similar proportions—say something like 60,000 square miles in all of Alaska.

The known coal measures are numerous, and are reported by government geologists to exist in ten different survey districts, most of which coal measures lie far back from tide water. Alaska contains vast areas of all the other minerals including thousands of square miles of coal oil lands, besides large areas of agricultural lands, but the space allowed the writer will not permit statements in detail as to them.

Since the first coal locations in the Bering river coal fields—14 years ago—numerous applications by the locators for patents have been made but down to date not a single patent has been granted in this coal field, nor anywhere else in Alaska, though the law makes ample provision for issuing patents for these lands.

While the law makes provision for the locators opening up and improving his coal claims he is prevented by the rules of the land office from selling any coal—even for local use.

At Katalla an inferior grade of British Columbia coal has always sold for \$21.00 or more per ton.

Alaska, notwithstanding its large yearly output in wealth, is not increasing in population. In view of its vast natural resources what is the reason?

It is conceded that the public is already aware that Alaska is an exceptionally large store house of national wealth awaiting development.

When and by Whom is Alaska to be Developed?

It seems apparent that 600,000 square miles of Arctic land, buried in moss, snow and ice cannot, whatever its riches, be developed as rapidly and economically as a similar area elsewhere in the United States.

Before the mineral wealth of Alaska can be developed it must be discovered by some one, and the prospector is the only man who has ever done this anywhere in this country, even under the most favorable conditions.

The Prospector Discovers and Capital Develops.

Though Congress try ever so hard it cannot reverse history nor change the laws of economic necessity.

A Leasing System.

Senator Lafollette in his speech before the Senate on September 21, 1911, argues in favor of the government leasing all mineral lands in Alaska, and that is the position of those in charge of the conservation movement. It cannot be denied that conservation for protective pur-

poses is sound, but when its application becomes destructive or prevents or retards development it necessarily follows that it amounts to misapplication, and is therefore essentially wrong. Does the leasing system furnish an instance of misapplication?

We cannot hope to arrive at a correct conclusion until we examine the conditions under which a leasing system is to be applied. Those conditions are fixed and unalterable. A brief general survey of the facts will disclose them.

The most of Alaska lies in an Arctic climate covered with a dense growth of moss, where not buried beneath glaciers; the ground is frozen to a depth of many feet, and the placer mines can only be worked by thawing the earth.

Cheap fuel is the largest economic factor entering into this class of industries. Without cheap fuel mining in Alaska can never attain large proportions. The milling and other treatment of ores, especially in the interior, are subject to the same handicap, and this applies to all allied industries. Fortunately the coal measures of Alaska—at least so far as geological surveys have extended, are scattered far and wide. Nature has supplied cheap fuel in close proximity to the ore deposits.

True Conservation Defined.

The doctrine of conservation of natural resources primarily means prevention of unnecessary waste. Whenever the application of the doctrine of conservation does not prevent unnecessary waste it is useless. Whenever it produces or augments waste or prevents development it is destructive.

Government Leasing an Experiment.

The question next to be considered is whether the adoption of a government leasing system of any or all of the public lands will give the largest net beneficial results. Will it produce greater benefits than those derived from the public land system in force since the foundation of our government? To replace our present land system by a leasing system is—in this country—an experiment pure and simple. While the experiment has been and is now being tried in some other countries, this nation has never adopted it, except as to our public lead and copper lands in the early history of our country. After years of trial it was abandoned as a failure. It was the case of leading the horse to water when he would not drink—American citizens could not be induced to work these lead lands under the leasing system, and so the government sold them to citizens and from that time to the present day these mines have been worked with that intense industry which the American applies to the thing he owns, but never will apply to the thing which the other fellow owns. There is a vast difference between building up and making valuable an estate for our own children and doing it for

some other person. Until we can induce each man to labor, suffer and worry for a stranger, as he will for his own family, your leasing system will prove a dismal and tragic failure.

So long as we believe in equal rights and opportunities, no American citizen will consent to work all his life and contemplate the certainty that his children must work all their lives for another. It is not the important question with him as to who is to be the landlord, nor the amount of the rent. He will not consent to be a floating vagrant. He is, first, last and all the time, struggling for a home—a permanent home—for himself and his posterity.

Ultra conservationists, in support of their contention, are citing the public land leasing practices in Canada, Australia and New Zealand, as instances of the successful leasing systems in operation in those countries. But they fail to mention that all those systems provide that lessees may purchase the land at any time during the term of the lease. The manifest importance of the difference is too apparent to require further comment.

It may safely be asserted that any alleged reason for leasing coal lands applies to the same extent to every other class of public lands. Apparently the only reason that can be urged for leasing public coal lands are: First, to enable the government to raise revenues. Second, to enable the government to regulate the prices of the product of the consumer. Third, to secure more rapid development. Fourth, to prevent unnecessary waste. Upon broad fundamental principles these four reasons, as well as any others which might apply with equal force to all of the public domain, whether mineral or agricultural.

The raising of revenues by leasing places an unequal and unjust burden upon the poor men who seek homes and business in Alaska. As to regulation of prices of coal it must appear evident that while none of those who produce coal from privately owned lands, from which all of the coal of the country is now produced, are not subject to regulation it is absurd to predict that regulations under a leasing system will accomplish the desired results, and regulation can be made as effectual in one case as in the other.

How is Alaska to be Developed?

Under the system employed by our government from the first of granting to those citizens desiring to own and improve our unappropriated public lands, small areas suitable to their needs, we have built up in the United States the grandest empire of civilized, well-ordered, patriotic men and immense wealth, known to history.

Under the pretense of conservation, some of our citizens are urging us to reverse our land policies, the wisdom of which has stood every test of experience for more than a century.

Under no other policy could we have successfully assimilated the millions of immigrants that have flocked to our shores in search of

homes. The ownership of the soil is the most potent **civilizer** known to man. The unsold public domain still comprises **nearly** one-half of the area of the states and all of Alaska's 600,000 **square miles**. Are we prepared in the face of the foregoing facts to lease **all** these unappropriated public lands. That is the real plan of the ultra-conservationists.

How can Alaska be Developed?

This is one of the most vital questions touching a leasing system. Taking it as settled that the active ultra-conservationists will attempt to force a leasing bill through Congress at its next session it becomes very important to immediately determine as near as possible what the effect of such a law will have on Alaska's development. Owing to the unfavorable action of the land department Alaska is declining in population and in its mining industries. It is the opinion of most Alaskans that the inaugurating of a leasing system will cause a further rapid decline. This decline will continue at least until the leasing experiment is tried out. We are of the opinion that it will spell disaster until abandoned. Under the most favorable laws it will require many years to open up Alaska's resources to even a very limited extent..

To fully understand the effect of a leasing system on the development of the mining industries of Alaska, it is necessary to consider the following facts taken from Dr. Brook's report for 1909:

The minimum estimate of the coal of Alaska is set down as one hundred and fifty billion (150,000,000,000) tons, and that the actual tonnage may be many times that amount. Alaska is divided into into three general geographic provinces, viz: The Pacific slope," the central" and the "Arctic." The dividing lines are mountain ranges. Forty per cent of the known coal areas lie in the Pacific slope province. Thirty-five per cent in the central province and the remaining twenty-five per cent in the Arctic province. Thus it seems that the coal measures are scattered all over Alaska. Dr. Brooks says that so far as can now be seen the use of the coal of the central and arctic provinces must be confined to local consumption, owing to unfavorable conditions for transportation.

All the oil as well as the coal lands of Alaska have been withdrawn from entry, which presumably means that at least all these two classes of lands will be held for leasing if a leasing law can be passed.

"Have no Value Except for Local Use."

While of immense importance to the mining development of those regions containing them this coal has no other value. These two provinces are frose-bound, snow-bound and ice-bound for eight months each year.

The tying up of these coal measures by any form of leasing system appears too absurd and ridiculous for discussion. Such a sys-

tem is sure to retard or entirely prevent development.

What is needed is free use of these coals, if we look to see the minerals in adjacent mountain ranges mined and utilized.

Dr. Brooks says Alaska never can be developed except by the use of its coal at low prices. We beseech the ultra-conservationist to devote the efforts he is expending in obstructing the development of Alaska to saving our people that \$“300,000,000” which ex-Senator Aldrich declares the government is squandering each year and of staying the hand of oppressive greed from further extortions from the people.

The free and interrupted use of the coal found widely scattered over the interior is altogether the most important factor in Alaska's primitive development, and development cannot proceed without it. Without this coal the prospecting frontier must remain near the tide waters. The mileage of railroads is so small it is an insignificant factor so far as fuel supply is concerned.

The prospector cannot under the present interpretation of the coal laws by the land office use any of the coal without becoming liable to criminal prosecution.

It must be remembered that in frozen Alaska the miner cannot sink even a three or four foot prospect hole without fuel to thaw the ground. That the cost and time necessary to discover and to develop are much greater than at any other place in the country, and that hardships are also much greater. Such conditions make it imperatively necessary that no impediments should be interposed and that every reasonable encouragement should be extended. It seems incredible beyond belief that anyone desirous of seeing Alaska developed will favor any doubtful experiment in Alaska. Condemned by nearly all Alaskans, who are more deeply interested than any other of our citizens in the speedy development of the Arctic possessions.

Does anyone imagine that the men who are laboring to develop Alaska would oppose a leasing system, if they believed it would assist in the accomplishment of the things for which they are so strenuously struggling? The country will best conserve its own interests by treating these men fairly. Any other course will, as it ought to, result in failure and general disaster.

For the most exhaustive, sound, dispassionate and authoritative discussion of a leasing system for Alaska coal lands yet printed, the reader is referred to the report of the committee on Alaskan Affairs of the American Mining Congress. This report was drafted by Hon. Maurice D. Leehy, Alaska building, Seattle, and was read before the Congress in Chicago, Oct. 27, 1911. He will be glad to furnish a copy to anyone writing him for one.

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